

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

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In the Matter of:

Creation of an Indoor Sports Entertainment Radio
Service

RM 9682

To: The Secretary of the FCC

COMMENTS IN OPPOSITION TO THE PUBLIC NOTICE FOR
PETITION FOR RULEMAKING

Gregory D. Deieso and Micro Radio (MRI), 14 South Park St. suite 200, Montclair, NJ 07042 and pursuant to Section 1.401 of the Rules and Regulations, herewith submits it's opposition to the Commission in response to Public Notice for Rulemaking Rm 9682 to institute rule making to establish NHL Indoor Sports Radio. In opposition, MRI and Gregory Deieso show the following:

I. Background

1. On June 24, 1996 Gregory Deieso submitted to the commission a request for Rulemaking to petition for Low Power Event Broadcasting Service. (EBS) RM 9246

2. Gregory Deieso represents that since 1992 he has conducted low power broadcasts for the National Football League, Major League Baseball, National Basketball Association, USTA as well as the National Hockey league. These broadcasts were conducted with the knowledge of the FCC and reports have been filed with the commission outlining use, equipment, and engineering reports. Gregory Deieso has worked closely with the Commission to create this new broadcasting concept (EBS) and is the only group with actual experience and expertise required to assist the Commission in the process and licensing.

3. The Gregory Deieso has worked with the NHL since 1996 using his low power FCC authorization for a number of their premiere events including All Star Games and two Stanley Cup Championships. This has been documented through reports submitted to the FCC.

II. Opposition

Gregory Deieso and Micro Radio opposes the NHL petition for rulemaking for the following reasons.

1, The NHL proposal does not address the ownership and allocation of these licenses. If license ownership is allowed by the NHL, or its teams, then the commission must be prepared to issue similar licenses to the NFL, MLB, NBA, NASCAR, and the hundreds of professional and college teams that exist, under similar circumstances. They must also be prepared to issue licenses to the thousands of stadium, arena and convention sites and owners that operate entertainment events under the proposed guidelines.

2. The NHL petition does not address monitoring and controls for these licenses. Who would issue the license, monitor use, monitor power and more important monitor interference. The FCC is not in a position to monitor each broadcast. This leaves the monitoring of interference with the NHL or its team, who are not in the broadcast business and have no experience with such matters. By default the burden will be placed on the local licensed AM and FM operator in each particular city to monitor potential interference from these low power operators.

3. The NHL petition does not address equipment and its usage. Their tests are not an accurate study and do not represent vast deviations that exist in all the stadiums and arenas in the US.

4. The NHL petition does not address how these low power licenses will effect the major broadcasting companies who hold the rights to NHL team radio, TV and cable broadcasts.

III Summary

1. The NHL's Petition for rulemaking appears to be a diluted version and in many ways a duplicate of Petition for Rulemaking for Event Broadcasting RM. 9246 that the Commission has had on file since 1996. Both Petitions were prepared by Hal McCombs Esq. and reflect years of Hal working with Gregory Deieso and the FCC in the creation of Low Power Broadcasting. Rm 9642 is currently awaiting review and action. Petition RM 9246 encompasses both indoor and outdoor events, and clearly defines ownership, equipment, monitoring, cooperation of licensed Am and FM stations and controls that are not represent in the NHL. petition.

2. In closing, Gregory Deieso and Micro Radio continue to support and work with the FCC in advancing Low Power Event Broadcasting, but feel that The NHL proposal is limiting and does not represent the interest of the general public but rather those of one particular sports league. We respectfully request the advancement of RM 9246 which addresses all of the points and difficulties that the NHL petition represents.

Respectfully Submitted August 5, 1999:

Gregory Deieso both individually and as CEO of Micro Radio
14 South Park St. Suite 200
Montclair, NJ, 07042

Certificate of Service

I, , do hereby certify that I have caused to be served by Mail, First Class postage paid, this 6 rd day of August, 1999, copies of the foregoing "Comments in Opposition of Petition for Rulemaking upon the following:

Hal McCombs, Esquire
2101 L St. NW
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Attorney for the Petitioner